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FILED VIA ECF

March 26, 2021

The Honorable Loretta A. Preska
United States District Judge, Southern District of New York
United States Courthouse, Courtroom 12A
500 Pearl Street
New York, NY 10007-1312

Re: *Berall v. Verathon Inc. et al.*, C.A. No. 1:10-CV-05777-LAP-DCF

Dear Judge Preska:

I write on behalf of Defendant Verathon Inc. (“Verathon”). Pursuant to Your Honor’s Individual Practices, Verathon seeks an order permitting Verathon to file the following documents under seal:

- An unredacted copy of Verathon’s Memorandum of Law in Support of its Motion to Transfer (“Memorandum”), filed on March 26, 2021;
- An unredacted copy of the Declaration of Thomas Urso (“Urso Declaration”), filed on March 26, 2021;
- Exhibits A-1, A-2, A-4, A-5, and A-6 to the Declaration of Thomas Urso; and
- An unredacted copy of Exhibit B-6 to the Declaration of Thad Kodish.

The redacted text in the Memorandum and Urso Declaration reflects the private information of former Verathon employees who are now third parties. Exhibits A-1, A-2, A-4, and A-5 of the Urso Declaration are excerpts of these third parties’ personnel files that also contain private information of these and other present and former Verathon employees. Exhibit A-6 is a document listing the private home addresses of a number of these and other present and former Verathon employees. The redacted text in Exhibit B-6 to the Declaration of Thad Kodish reflects Verathon’s confidential pricing information and customer identities.

Courts in this district have routinely ordered that personal identifying information of third parties should not be filed publicly and have ordered that such information be filed under seal. *See, e.g., Kewazinga Corp. v. Google LLC*, 2020 WL 8224932, *1 (S.D.N.Y. July 22, 2020); *Anderson v. N.Y. City Health & Hospitals Corp.*, 2020 WL 1047054, *3 (S.D.N.Y. Mar. 4, 2020); *In re Am. Realty Capital Props., Inc. Litig.*, 2009 WL 11863704, *1 (S.D.N.Y. Mar. 25, 2019); *Online Payment Solns. Inc. v. Svenska Handelsbanken AB*, 638 F. Supp. 2d 375, 383 n.4 (S.D.N.Y. 2009). Courts in this district have also routinely ordered that confidential customer and pricing



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information should be sealed, especially when, as here, that information does not bear on the issue presently before the Court. *See, e.g., Cunningham v. Cornell Univ.*, 2019 WL 10892081, *2 (S.D.N.Y. Sept. 27, 2019); *Marks v. Scalabrini*, 2016 WL 4608116, *1 (S.D.N.Y. Sept. 2, 2016); *Skyline Steel, LLC v. PilePro, LLC*, 101 F. Supp. 3d 394, 412-13 (S.D.N.Y. 2015); *MacroMavens, LLC v. Deutsche Bank Secs., Inc.*, 2011 WL 1796138, *2-3 (S.D.N.Y. Apr. 27, 2011).

Accordingly, Verathon respectfully requests that this Court enter and order that the Memorandum; Urso Declaration; Exhibits A-1, A-2, A-4, A-5, and A-6 to the Urso Declaration; and Exhibit B-6 to the Declaration of Thad Kodish may be filed under seal.

Sincerely,
/s/ Thad C. Kodish
Thad C. Kodish

cc: Counsel of Record

SO ORDERED.

Dated: March 29, 2021
New York, New York


LORETTA A. PRESKA, U.S.D.J.